

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Fagelbaum & Heller SBN 113938 2049 Century Park E Ste 2050  Los Angeles CA 90067		TELEPHONE NO. (310) 286-7666	FOR COURT USE ONLY <b>ORIGINAL FILED</b> <b>JUL 12 2007</b> RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND
ATTORNEY FOR (Name) Plaintiff			
Insert of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA			
SHORT TITLE OF CASE PRIMARIUS CAPITAL V. JAYHAWK CAPITAL MANAGEMENT			
1158802	(HEARING) Date 07/24/07	Time 2:00PM	Dept 2
Case Number: C 07-01804(EDL) CW			
REFERENCE NO. 36184-002			

**PROOF OF SERVICE OF SUMMONS**

1. AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION  
 2. I SERVED COPIES OF THE:

SUMMONS & COMPLAINT, DEMAND FOR JURY TRIAL  
 SUMMONS ON FIRST AMENDED COMPLAINT & FIRST AMENDED COMPLAINT,  
 DEMAND FOR JURY TRIAL  
 SEE ATTACHMENT

: SEE ATTACHMENT

3. A PARTY SERVED: Jayhawk China Fund (Cayman) LTD.

B PERSON SERVED: Michael Schmitz, Chief Financial Officer  
 person apparently in charge

- 4.. ADDRESS: 5410 W 61st Pl  
 Mission KS 66205

5. I SERVED THE PARTY IN 3A BY SUBSTITUTED SERVICE

ON 6/25/2007 AT 2:01:00 PM

- (b) BY LEAVING THE DOCUMENTS LISTED IN 2 WITH OR IN THE PRESENCE OF:

Michael Schmitz, Chief Financial Officer  
 person apparently in charge

- (1)(BUSINESS) A PERSON AT LEAST 18 YEARS OF AGE APPARENTLY IN CHARGE AT THE OFFICE OR  
 USUAL PLACE OF BUSINESS OF THE PERSON TO BE SERVED. I INFORMED HIM OR HER OF THE  
 GENERAL NATURE OF THE PAPERS

- (4) A DECLARATION OF MAILING IS ATTACHED IF REQUIRED  
 (5) A DECLARATION OF DILIGENCE IS ATTACHED IF REQUIRED

6. THE "NOTICE TO PERSON SERVED" WAS COMPLETED AS FOLLOWS:

D. ON BEHALF OF: Jayhawk China Fund (Cayman) LTD.

UNDER THE FOLLOWING CODE OF CIVIL PROCEDURE SECTION :CCP 415.95(BUSINESS ORGANIZATION, FORM UNKNOWN)

7a. Person Serving: Eric Larsen

Out Of State Process

d. The fee for service was \$52.60

e. I am:

(1) not a registered California process server:

(3) registered California process server:

(i)

(i) Registration No: Not A California

(i) County: Registered Process Server

b. DDS Legal Support  
 2900 Bristol St  
 Costa Mesa, Ca 92626

c. (714) 662-5555

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7/9/2007

SIGNATURE

CRC 982(A)(23)

**PROOF OF SERVICE**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY
Fagelbaum & Heller SBN 113938 2049 Century Park E Ste 2050		(310) 286-7666	
Los Angeles	CA	90067	
ATTORNEY FOR (Name) Plaintiff			
Insert of Court Name of Judicial District and Branch Court if any			
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA			
SHORT TITLE OF CASE			
PRIMARIUS CAPITAL V. JAYHAWK CAPITAL MANAGEMENT			
1158802	(HEARING) Date	Time	Case Number:
	07/24/07	2:00PM	C 07-01804(EDL) CW
		Dept 2	REFERENCE NO.
			36184-002

**DECLARATION OF REASONABLE DILIGENCE**

PERSON TO SERVE: Jayhawk China Fund (Cayman) LTD.

## DOCUMENTS RECEIVED:

SUMMONS & COMPLAINT, DEMAND FOR JURY TRIAL  
 SUMMONS ON FIRST AMENDED COMPLAINT & FIRST AMENDED COMPLAINT,  
 DEMAND FOR JURY TRIAL  
 SEE ATTACHMENT

; SEE ATTACHMENT

I DECLARE THE FOLLOWING ATTEMPTS WERE MADE TO EFFECT SERVICE BY PERSONAL DELIVERY  
 BUSINESS 5410 W 61st Pl  
 Mission KS 66205

06/25/07 02:01PM NO AUTHORIZED OFFICER OF THE  
 COMPANY IS AVAILABLE FOR SERVICE, SUB-SERVED;  
 MICHAEL D SCHMITZ, CHIEF FINANCIAL OFFICER  
 PERSON APPARENTLY IN CHARGE

7a. Person Serving: **Eric Larsen** Out Of State Process

b. DDS Legal Support  
 2900 Bristol St  
 Costa Mesa, Ca 92626

c. (714) 662-5555

d. The fee for service was \$52.60  
 e. I am:

- (1) not a registered California process server;  
 (3) X registered California process server:

(i)

(i) Registration No: Not A California

(i) County: Registered Process Server

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7/9/2007

X

SIGNATURE

**PROOF OF SERVICE**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Fagelbaum & Heller SBN 113938 2049 Century Park E Ste 2050  Los Angeles CA 90067		TELEPHONE NO. (310) 286-7666	FOR COURT USE ONLY
ATTORNEY FOR (Name) Plaintiff			
Insert of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA			
SHORT TITLE OF CASE PRIMARIUS CAPITAL V. JAYHAWK CAPITAL MANAGEMENT			
1158802	(HEARING) Date 07/24/07	Time 2:00PM	Dept 2
Case Number: C 07-01804(EDL) — CW			
REFERENCE NO. 36184-002			

## PROOF OF SERVICE BY MAIL

1. I AM EMPLOYED IN, OR A RESIDENT OF, THE COUNTY IN WHICH THE MAILING OCCURED, AND NOT A PARTY TO THIS ACTION. AT THE TIME OF MAILING, I WAS AT LEAST 18 YEARS OF AGE OR OLDER

ON 06/26/07

5. b (4) AFTER SUBSTITUTED SERVICE UNDER SECTION 415.20 (a) or 415.20 (b) or 415.46 C.C.P. WAS MADE. I SERVED THE WITHIN:

SUMMONS & COMPLAINT, DEMAND FOR JURY TRUAL  
SUMMONS ON FIRST AMENDED COMPLAINT & FIRST AMENDED COMPLAINT,  
DEMAND FOR JURY TRIAL  
SEE ATTACHMENT

; SEE ATTACHMENT

ON THE DEFENDANT IN SAID ACTION BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON PREPAID FOR FIRST CLASS IN THE UNITED STATES MAIL AT: COSTA MESA, CALIFORNIA, ADDRESSED AS FOLLOWS:

Jayhawk China Fund (Cayman) LTD.

5410 W 61st Pl  
Mission KS 66205

DECLARANT: lisa.steele

d. The fee for service was \$52.60

e. I am:

- (1) X not a registered California process server:  
(3) registered California process server:  
(i) Employee  
(i) Registration No: 434  
(i) County: Orange

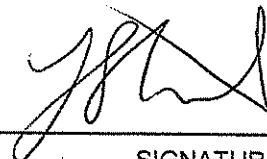
b. DDS Legal Support  
2900 Bristol St  
Costa Mesa, Ca 92626

c. (714) 662-5555

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

7/9/2007

X



SIGNATURE

PROOF OF SERVICE

PETITIONER/PLAINTIFF: PRIMARIUS CAPITAL	CASE NUMBER:
RESPONDENT/DEFENDANT: JAYHAWK CAPITAL MANAGEMENT	C0701804EDL → CW

NOTICE OF CASE MANAGEMENT CONFERENCE

ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES

CIVIL CASE COVER SHEET

ECF REGISTRATION INFORMATION HANDOUT; DOCUMENTS GUIDELINES

NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL

BLANK DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE & REQUEST FOR  
REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

REASSIGNMENT ORDER